

**CHIROPRACTIC EXAMINING BOARD  
MADISON, WI  
MINUTES  
OCTOBER 17, 2002**

**PRESENT:** Susan Feith, Char Glocke, James Greenwald, Bevier "Brouck" Sleight, James Rosemeyer, Dale Strama, (James Weber, not confirmed yet)

**STAFF PRESENT:** Kimberly Nania, John Schweitzer, Grace Schwingel and DOE Staff for parts of the meeting, Jim Polewski, Gail Pizarro, Lydia Bridge, Greg Raube, Mike Berndt, Jim Harris, Marlene Meyer

**GUEST:** Ron Hermes, WPTA  
Bruce Olson, Attorney General's Office

**ROLL CALL**

Dale Strama, Chair, called the meeting to order at 8:05 a.m. A quorum of 6 members was present.

**AGENDA**

Amendments to Agenda: Stipulation: Mathew J. Chase, DC, 02 CHI 18; Bruce Olson from the Attorney General's Office will speak to the Board at 11:30 a.m. in Closed Session;

**MOTION:** Brouck Sleight moved, seconded by James Rosemeyer, to approve the agenda as amended. Motion carried unanimously.

**MINUTES OF SEPTEMBER 19, 2002**

**MOTION:** Brouck Sleight moved, seconded by James Rosemeyer, to approve the minutes of September 19, 2002, as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Noted

**PRESENTATION OF PROPOSED STIPULATIONS – MICHAEL S. RUSAK, DC**

Jim Polewski presented information on Dr. Michael Rusak, D.C. The Board will deliberate on the stipulation involving Michael S. Rusak, D.C. in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER**

## **MAILING OF AGENDA**

Jim Polewski, DOE, presented information on the stipulation involving Mathew Chase, D.C. The Board will deliberate on the stipulation involving Mathew Chase, D.C. in closed session.

### **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted

### **CORRESPONDENCE: REQUEST TO COME BEFORE THE BOARD PATRICK JOZWIAK, DC**

Dale Strama, Chair, left the meeting before the Board reviewed information regarding Patrick Jozwiak, D.C. The Board authorized Legal Counsel, John Schweitzer, to write a letter to Dr. Patrick Jozwiak indicating that if the Board receives more documentation, it will consider his request at its next meeting, but Legal Counsel will also recommend that Dr. Jozwiak apply for a hearing as a backup measure.

### **CORRESPONDENCE: AMERY REGIONAL MEDICAL CENTER**

The Board authorized Dr. Sleight and Legal Counsel, John Schweitzer, to respond to the letter from Amery Regional Medical Center dated September 23, 2002, regarding the requirements for professionals administering anesthesiology in MVA.

### **PRECEPTOR APPROVAL**

**MOTION:** James Rosemeyer moved, seconded by Susan Feith, to approve the following preceptors: Robin Baker, Dale Strama, H. Dale Poland, Peter Vrieze, Duane Jarchow, John Wilke. Motion carried. Dale Strama abstained.

### **AUDIT OF CONTINUING EDUCATION RE: MICHAEL S. RUSAK, DC**

Noted

### **CONTINUING EDUCATION APPLICATION DRAFT – GAIL PIZARRO**

Gail Pizarro from the Exam Office reviewed the instruction sheet and application draft for continuing education approval. The Board discussed and made recommendations, noting Chiro 5.02 (6) of the statutes regarding partnerships and co-sponsorship issues. Gail Pizarro will revise the C.E. Application Draft according to Board recommendations, including reference to the statutes. Gail Pizarro's e-mail address will be included on the application form to deal with questions applicants may have.

### **CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL**

Legal Counsel, John Schweitzer, distributed a letter to the Board from Meyer Distributing Company, dated October 7, 2002. The Board authorized Legal Counsel to respond to this letter indicating that the Board approves the use of the techniques referred to in the letter by Wisconsin chiropractors.

### **CLOSED SESSION**

**MOTION:** Brouck Sleight moved, seconded by Char Glocke, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of deliberating on proposed stipulations, monitoring report, application review, DOE case status reports, and exam issues. Motion carried by roll call vote: Susan Feith-yes, Char Glocke-yes, James Greenwald-yes, Bevier "Brouck" Sleight-yes, James Rosemeyer-yes, Dale Strama-yes.

Open Session recessed at 9:00 a.m.

### **RECONVENE INTO OPEN SESSION IMMEDIATELY**

The Board agreed, by consensus, to reconvene into open session at 10:45 a.m.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

#### **DELIBERATION OF PROPOSED STIPULATIONS**

##### **MICHAEL S. RUSAK, DC**

**MOTION:** Susan Feith moved, seconded by James Rosemeyer, to reject the stipulation in the matter involving Michael S. Rusak, D.C. The Board will indicate to DOE that it would accept a one-month's suspension for the month of January 2003, and would allow Dr. Rusak six months to meet C.E. requirements. If those conditions are not met, the Board will suspend Dr. Rusak's license indefinitely. The Board would like automatic consequences if conditions of an order are not met by a licensee. Motion carried. Char Glocke abstained.

#### **DELIBERATION OF PROPOSED STIPULATIONS**

##### **MATHEW CHASE, D.C.**

**MOTION:** James Rosemeyer moved, seconded by James Greenwald, to deny the stipulation for Mathew Chase, D.C. for a change in the standard verbiage. The Board indicated it would accept a stipulation that required, in addition to the reprimand and the random inspection included in the original stipulation, Dr. Chase to report completion of 24 hours of C.E. requirements within six months of the day of the order, or his license will be suspended indefinitely, as of 6 months from the day of the order, until the Board receives and grants a petition for reinstatement. Motion carried unanimously.

## **DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA**

None

### **MONITORING: BOARD TO REVIEW LETTER**

#### **LEIF HELLING**

**MOTION:** Brouck Sleight moved, seconded by Susan Feith, to refer the matter of Leif Helling, D.C. back to DOE to reopen a new case for Dr. Helling's violation of the Board order by his termination of the required therapy. The Board indicated that based on the information it has now, it would consider a stipulated revocation of the license of Leif Helling, D.C. Motion carried unanimously.

### **APPLICATION REVIEW**

#### **ADRIAN L. TARTLER**

**MOTION:** Brouck Sleight moved, seconded by Susan Feith, to deny the application request of Adrian L. Tartler until he gets a valid, unencumbered, permanent license from California. If Adrian Tartler submits another current application to the Board and it is determined that the California license is equivalent to Wisconsin's license requirements, the Board would consider granting Adrian L. Tartler a Wisconsin license. Motion carried unanimously.

### **DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

**MOTION:** James Greenwald moved, seconded by Brouck Sleight, to close case 97 CHI 075 for insufficient evidence. Motion carried unanimously.

### **EXAMINATION ISSUES – GAIL PIZARRO**

#### **Exam Challenges**

**MOTION:** Char Glocke moved, seconded by Brouck Sleight, to accept the challenge by Candidate #1006, changing the score to a passing grade of 75%; the Department will write a letter to Candidate #1006 advising this candidate of eligibility for licensure. Motion carried unanimously.

**MOTION:** James Greenwald moved, seconded by Brouck Sleight, The Board rejected the challenge by Candidate #1011, keeping the Physical Diagnosis score at a failing grade of 74%.The candidate will be informed of this decision. Motion carried unanimously.

## **CONSULT WITH LEGAL COUNSEL**

Legal Counsel, Bruce Olson, from the Attorney General's Office, presented options to the Board regarding the case that had been brought against the Board, noting that the case had been dismissed for lack of evidence.

**MOTION:** Brouck Sleight moved, seconded by James Rosemeyer, to accept the offer of the WCA to dismiss the case w/o costs and with prejudice. Motion carried with 1 member abstaining, 2 members opposed, 3 ayes

Board members requested a copy of the deposition transcripts. A copy of the transcript will be sent to Susan Feith and she will pass it among the Board members.

The Board requested that the next Regulatory Digest be prepared as soon as possible to include information regarding this case that had been brought against the Board and it also requested that a press release be sent to ICA.

## **INFORMATION ITEMS**

None

## **OTHER BOARD BUSINESS**

"On Monday, October 21<sup>st</sup>, Darwin Tichenor will take care of making hotel reservations for Dr. Brouck Sleight and Dr. James Weber and Susan Feith to attend the National Exam in Minneapolis. Dr. James Greenwald will attend the National Exam in Davenport.

## **ADJOURN**

**MOTION:** Brouck Sleight moved, seconded by James Rosemeyer, to adjourn the meeting at 11:45 a.m. into closed session for screening. Motion carried unanimously.